**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 20312 of 2004**

Between:

1 Prathibha Mahila Mandali,

rep., by President Shaik Meerabee W/o Ibrahim,
R/0 16-2-467, Paltan, Malakpet, Hyderabad.
2 Nava Chaitanya Mahila Mandali,

rep. by it's Pesident Smt. Bhagyamma

W/o Madhava Rao, R/o H. No. 6-57/1, Pochamma Bagh,

Saroornagar, Hyderabad.

**..... PETITIONERS**

AND

1 The Managing Director A.P. State Housing Corporation Limited,

Government of A.P., Hyderabad.
2 The District Manager, AP State Housing Corporation Limited,

Ranga Reddy District
3 The Deputy Executive Engineer (Housing), Urban Division,

Lakadikapool, Andhra Pradesh State Housing
Corporation Limited, Ranga Reddy

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the respondents in not proceeding with the construction of house which were already sanctioned in respect of survey No.5 and 93 of Mansoorabad Village of 440 houses to the members of the petitioners Mahila Mandalis and illegal, improper unjust, arbitrary and contrary to law

and further direct the respondents to proceed with houses already sanctioned in respect of S.No.5 and 93 of Mansoorabad Village of 440 houses to the petitioner Mahila Mandalies forthwith and conclude the scheme.

**Counsel for the Petitioners: Mr. K.G.KRISHNA MURTHY**

**Counsel for the Respondents : Mr. V.CH.NAIDU**

**The Court at the stage of admission made the following ORDER:**

The petitioners are two Mahila Mandalies of Hyderabad City having about two thousand persons as their members. At the instance of the petitioners-Organizations, an extent of Ac.9.30 guntas of land situated in Survey No. 5 and 93 of Mansoorbad Village was identified for construction of houses for 840 beneficiaries. When the pattas were not handed over to the members of the petitioners-Organizations, they approached this Court and ultimately, pattas were delivered and the physical possession of the land was handed over to the members. The Government of A.P. introduced 'VAMBAY' Housing Scheme and sanctioned 440 houses through HUDA. They paid EMD and ID to the 2nd respondent. The 2nd respondent prepared a list of members, who are entitled for the houses. The 1st respondent has instructed the 2nd respondent to proceed with the construction of the houses. The amount for the construction of the houses was also released by the Government under the said scheme and all permissions and approvals from HUDA and L.B. Nagar Municipality were already granted, but the respondents are not proceeding with the construction of the houses, despite several representations. Since the land is lying vacant, some third-parties are trying to encroach upon the land. If the scheme is further delayed without execution, the petitioners would be put to much hardship. Therefore, they approached this Court seeking a direction to the respondents to proceed with the construction of 440 houses, already sanctioned to the members of the petitioners-Organizations.

On perusal of the record, it is noticed that the permissions and the sanctions required from the concerned authorities were already made and the lay out was also approved.

The learned counsel for the respondents represented that there were complaints regarding the eligibility of some of the members who were allotted with the houses and an enquiry is going on. Therefore, the respondents could not proceed with the

construction of all the houses.

The learned counsel for the respondents further submitted that immediately after the completion of the said enquiry they would proceed with the construction work. The respondents did not furnish any particulars as to who made the complaints and against whom and what is the stage of enquiry. If there are any complaints against some of the beneficiaries, the respondents may proceed with such enquiry. But on that pretext they are not expected to stall the work of construction in respect of the houses of other beneficiaries against whom, there are no complaints.

The respondents are therefore directed to take all necessary steps to proceed with the construction of the houses of the beneficiaries in respect of whom there are no complaints and in respect of the persons against whom there is no enquiry. They shall proceed with the construction of such houses also, immediately after the enquiry unless and until they are found not eligible for allotment of such houses. The respondents are further directed to commence the work within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of.

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(Dr.G.YETHIRAJULU,J

5th November, 2004.

Note:

Furnish C.C. within one week.

B/o

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To

1 The Managing Director,

A.P. State Housing Corporation Limited,

Government of A.P., Hyderabad.

2 The District Manager,

AP State Housing Corporation Limited,

Ranga Reddy District.

3 The Deputy Executive Engineer (Housing),

Urban Division,

Lakadikapool, Andhra Pradesh State Housing
Corporation Limited, Ranga Reddy.

4 Two CD copies.